



STATE BOARD OF EQUALIZATION

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Controller, Sacramento

DOUGLAS D. BELL
Executive Secretary
No. 82/109

September 17, 1982

TO COUNTY ASSESSORS:

SUMMARY OF PROPOSED LEGISLATION NUMBER 11

Following are brief summaries of selected legislation which relate to the Revenue and Taxation Code or otherwise to the assessing function and have been either enrolled or approved by the Governor.

AB 2308

Author: Assemblyman Bates
Action: Enrolled and sent to the Governor
Date: August 31, 1982

Affected Code Sections: Amends Section 214.02 of the Revenue and Taxation Code; repeals Section 2 of Chapter 1772 of the Statutes of 1972.

Existing law has extended the application of the welfare exemption to certain natural preserves accessible to the general public. This eligibility was scheduled to terminate after lien date in 1981 as a result of a repealer section enacted in 1971. The "sunset" clause has been stricken and the eligibility of such properties for the welfare exemption has been extended through the lien date of 1987. In addition, the scope of the exemption has been carefully defined to apply only to the property of any organization which does not own in aggregate 30,000 acres or more in one county which were exempt under this section before March 1, 1983, unless the nonprofit organization owning the property is fully independent, as defined, of the owner of any taxable adjacent real property.

AB 2668

Author: Assemblyman Elder
Action: Approved by the Governor
Date: September 2, 1982

Affected Code Sections: Amends Sections 2621, 2706, 2764, 3362 and 3372 of the Revenue and Taxation Code.

As Chapter 694 of the Statutes of 1982, this bill increases to \$10, from the existing \$5, the fee which county tax collectors may charge for preparing delinquent tax records and for giving notice of delinquencies. It also requires that more information be disclosed in the published notices of (1) intent to deed to the state and (2) sale to the state. These changes take effect July 1, 1983.

AB 2718

Author: Assemblyman Kapiloff
Action: Enrolled and sent to the Governor
Date: August 30, 1982

Affected Code Section Amends Section 62 of the Revenue and Taxation Code.

In its enrolled version, this bill adds two more transfers to the list of those excluded from change in ownership:

(1) transfers between the same parties made to correct a deed, as long as the original grantor/grantee relationship is unchanged, and

(2) intrafamily transfers of dwellings that are principal places of residence for the minor children involved both before and after the transfer, provided that the transfer, whether from parent(s) or legal guardian(s) to a minor child/children or between or among minor siblings, proceeds from court order or judicial decree due to the death of the parent(s). These provisions would affect the 1982-83 tax roll and those thereafter, and would be retrospective to March 1, 1975, but no escapes or refunds for previous years would be allowed.

AB 3193

Author: Assemblyman Cortese
Action: Enrolled and sent to the Governor
Date: August 31, 1982

Affected Code Sections: Amends Sections 423.3 and 426 of the Revenue and Taxation Code.

As enrolled, this bill would effect two changes in the statutes governing the assessment of lands subject to Williamson Act (open-space) contracts, scenic restrictions or easements:

(1) the previous requirement, that cities and counties decide by December 31, 1982, whether to allow certain categories of open-space lands to be assessed at the lower of either a specified percentage of their Section 110.1 (Article XIII A) value or their capitalized income (Section 423) value, has been lifted;

(2) the procedures governing nonrenewal of a contract, easement or agreement have been clarified to state that, for comparison purposes, the first value to be determined is either

- (a) the full cash value pursuant to Section 110.1, or
- (b) the current market value pursuant to Section 110 if the property is not subject to Article XIII A at the expiration of the contract, easement or agreement; or
- (c) the special restricted value applicable to subject property based upon its use at the expiration of the restriction (e.g., nonprofit golf course, historical property, taxable municipal property or timberland preserve zone).

AB 3296

Author: Assemblyman Walters
Action: Enrolled and sent to the Governor
Date: August 31, 1982

Affected Code Section: Amends various sections of the Government Code; amends, adds and repeals various sections of the Revenue and Taxation Code.

The enrolled version of this bill, which call for the elimination of the timber reserve fund tax and the phasing out of the annual yield tax revenue guarantees, differs in two aspects from the previously amended version:

(1) the phase-out of the yield tax revenue guarantee program will be completed by the end of fiscal year 1983-84, rather than by the end of the fiscal year 1984-85; and

(2) a statement is included in the text of the bill that the Legislature intends this phasing out to permanently settle the problem of allocating yield tax revenues from harvested timber among entitled counties.

AB 3475

Author: Assemblyman Baker
Action: Approved by the Governor
Date: September 7, 1982

Affected Code Sections: Amends Sections 19825 and 19826 of, and adds Section 19826.5 to, the Health and Safety Code.

As Chapter 728 of the Statutes of 1982, this legislation affects the local process of issuing building permits in two ways that are of interest to county assessors:

(1) the city or county may now require that building permits show the assessor's parcel number, and

(2) the city or county may also require that the permit-issuing agency notify the assessor within 15 days of conducting a final inspection.

These optional changes would facilitate the discovery and enrollment of new construction.

SB 465

Author: Senator Beverly
Action: Enrolled and sent to the Governor
Date: August 31, 1982

Affected Code Section: Adds Section 107.5 to the Revenue and Taxation Code.

The enrolled version of this bill calls upon the State Board of Equalization to adopt regulations clarifying constructive annexation of items of personal property, so that county assessors can determine when such items qualify as fixtures. The bills' language on possessory interests would become operative only if the Board fails to formulate and adopt such regulations by January 1, 1985.

SB 2086

Author: Senator Johnson
Action: Approved by the Governor
Date: September 7, 1982

Affected Code Section: Adds Section 434.6 to the Revenue and Taxation Code. Urgency statute.

This bill, Chapter 760 of the Statutes of 1982, provides a procedure for implementing the Soper-Wheeler Co. appellate court decision in October 1981 that declared Board Rule 1025 invalid, and that consequently meant that there had been overpayment of taxes for the 1980-81 fiscal year by some assessees. This bill allows counties to either refund overpayments in the manner prescribed by current law or to credit the amount of overpayment against the assessee's 1982-83 property taxes.

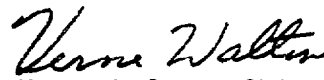
TO COUNTY ASSESSORS

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September 17, 1982

Copies of each of these measures are enclosed for your information.

Sincerely,



Verne Walton, Chief
Assessment Standards Division

VW:cam
AGC-02-1353A